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PAGE 1 OF 2 PAGES

Date Sent: November 29, 1961
Rec'd:

FROM: American Embassy TOKYO

TO: DEPARTMENT OF STATE

NO: A-534

LEGAL ADVISER
(Instruction to Tokyo
dated 1/16/62
DEPARTMENT OF STATE
LEHA:LJHarris File

SUBJ: Department's A-70, October 24, 1961; Emb Despatches 135 and 234

Department's wishes relating to pending Consular Convention with Japan have been carefully noted and guidance would be appreciated on following points before approach is made to Foreign Office.

1. Japanese side has justified most of changes found objectionable by Department on grounds Vienna Convention should be followed as basic pattern for according privileges and immunities to consular officers and employees thus as urged, in Japanese view, that such officers and employees will not enjoy more privileges and immunities than diplomatic personnel. In discussing Department's position with Foreign Office, Embassy believes latter will make not unreasonable point that five years have elapsed since negotiations were recessed and new factors, such as Vienna Convention, have arisen which require some change in previously agreed positions. Accordingly, it would be helpful to Embassy to know degree of acceptability to Department of proposed Japanese changes based on new concepts Vienna Convention.

2. Department's views would also be helpful regarding remaining two major areas of difference, i.e., Okinawan question and most-favored-nation principle, particularly whether there is prospect of agreement on former employing essence of compromise offered by Japanese side which considers Okinawan issue key determinant in obtaining eventual legislative ratification.

3. In general, Department's guidance will be invaluable on what, if anything, is negotiable in long form text. Embassy anticipates having eventually to discuss matter concessions by both sides when it requests Foreign Office itself either to withdraw counterproposals dealing with already agreed upon language or to face prospect having to consider abandoning long form for short form as basis further negotiations.

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Embassy agrees fully with Department on logic of short form but believes Japanese will still be strongly inclined toward long form. After receiving guidance on points enumerated above, however, Embassy will at every feasible opportunity continue to press for short form adoption using argumentation provided in W-170.

REISCHAUER

HMHolland/RJBlake:af DCM:Mr. Leonhart